

## CITY COMMISSION MINUTES

November 4, 2008

7:00 p.m.

The regular meeting of the Junction City City Commission was held on Tuesday, November 4, 2008 with Mayor Mick Wunder presiding.

The following members of the Commission were present: Terry Heldstab, Mike Rhodes, Ken Talley, Jack Taylor and Mick Wunder. Staff present was: City Manager Rod Barnes, Assistant City Manager Mike Guinn, City Clerk Tricia Gowen, City Engineer Christina Cook, and City Attorney Catherine Logan.

### PLEDGE OF ALLEGIANCE

### CONSENT AGENDA

Items 3f and 3r were pulled from the Consent Agenda for separate action. Item 3n was tabled on the Consent Agenda. Item 3q was removed from the Consent Agenda.

Commissioner Rhodes moved, seconded by Commissioner Heldstab to approve the Consent Agenda as amended. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried. The Consent Agenda consisted of the following:

- a. Approval of the **October 21, 2008**, City Commission meeting minutes.
- b. Approval of the **October 21, 2008**, Special City Commission meeting minutes.
- c. The consideration of **Appropriation Ordinance** dated October 16, 2008, through October 29, 2008, in the amount of \$1,566,556.99.
- d. The consideration and approval of **Ordinance S-3031** requesting rezoning of County Service Commercial (CS) to City Service Commercial (CS) for property known as 2812 Spring Valley Road, Johnson RV Subdivision (**Final Reading**).
- e. The consideration and approval of **Ordinance S-3032** requesting rezoning of Service Commercial Restricted (CSR) District to General Commercial (CG) District for property generally located west of US Highway 77 and south of Old Highway 40, also known as 2711 and 2721 Gateway Court (**Final Reading**).
- f. The consideration and approval of **Policy Resolution PR-08-02** authorizing the development of Grants Administrative Procedures to outline the process of seeking and administering grants. **PULLED FOR SEPARATE ACTION.**
- g. The consideration and approval of **R-2519** authorizing the sale of 222 E. 16<sup>th</sup> Street to Simon Holt for \$12,000.00, with the intent to build a Self Help Housing home.
- h. The consideration and approval of **Pay Request #12** by Walters-Morgan Construction for services through October 20, 2008, on the K-57 Drainage Ditch Improvements Project, in

the amount of \$301,462.10 (KDOT will reimburse 75% or \$215,166.85) and the consideration and approval of seven (7) additional calendar days for weather related delays.

- i. The consideration and approval of **Pay Request #16** by HNTB for US-77 and K-18 Corridor study in the amount of \$4,221.82. (KDOT will pay 60% or \$2,533.10; Geary County will pay 20% or \$844.36; and the City will pay 20% or \$844.36.)
- j. The consideration and approval of **Payroll #21 and Payroll #22** for the month of October. (Payroll #21; \$204,423.64 – October 10, 2008)(Payroll #22 \$204,550.33 – October 24, 2008)
- k. The consideration and approval of **Pay Request #2** by Middlecreek Corp., for services from September 20, 2008, through October 22, 2008, on the K-18 and Karns project, in the amount of \$223,327.35. (State pays \$139,074.27; School pays, \$55,467.69; City pays, \$28,785.39.) (Project is 55% complete.)
- l. The consideration and approval of **Pay Request #2** by Wrench Construction for services completed through October 28, 2008, on the Freeman Field Taxilane Reconstruction, in the amount of \$79,881.08. (FAA will reimburse 95% or \$75,887.02; City will pay \$3,994.05.) (Project is 58.47% complete.)
- m. The consideration and approval of **Pay Request #2** by Larkin Excavating, Inc., for services through October 24, 2008, o the Spring Valley Road – McFarland Road to Wildcat Lane, in the amount of \$627,601.19. (Project is 45.5% complete.)
- n. The consideration and approval of **Detour Route and Intersection Closure Plans** by Kaw Valley Engineering for the Ash and Eisenhower Intersection. **TABLED.**
- o. The consideration and approval of **R-2520** establishing a public hearing date of January 6, 2009, for consideration of annexation of land generally located East of Dakota Lane and South of Liberty Hall Road to the City of Junction City.
- p. The consideration and approval of **R-2521** establishing a public hearing date of January 6, 2009, for consideration of annexation of land generally located East of Elmdale Road and South of Highway K-57 (2300 Elmdale-Pepsi) to the City of Junction City.
- q. The consideration and approval of **R-2522** establishing a public hearing date of January 6, 2009, for consideration of annexation of land generally located East of Elmdale Road and South of Highway K-57 (Werth) to the City of Junction City. **REMOVED FROM CONSENT AGENDA.**
- r. The consideration and approval of **Petition for Energy Independence Plan** by T. Boone Pickens for enactment within the first 100 days of the new Administration. **PULLED FOR SEPARATE ACTION.**

#### **ITEMS FOR SEPARATE ACTION**

- f. The consideration and approval of **Policy Resolution PR-08-02** authorizing the development of Grants Administrative Procedures to outline the process of seeking and administering grants. Sarah Talley, Grant Administrator, reviewed the policy resolution for

the Grant Administrative Procedure with the City Commission. Commissioner Rhodes moved, seconded by Commissioner Heldstab to approve Policy Resolution PR-08-02 authorizing the development of Grants Administrative Procedures to outline the process of seeking and administering grants. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

- r. The consideration and approval of **Petition for Energy Independence Plan** by T. Boone Pickens for enactment within the first 100 days of the new Administration. Commissioner Taylor stated that he asked that this item be pulled from the Consent Agenda for separate action. Commissioner Taylor stated that he is not opposed to getting away from foreign oil; however, he is opposed to the plan not using coal resources. Commissioner Talley moved, seconded by Commissioner Rhodes to table this item until more information can be gained. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

### **SPECIAL PRESENTATIONS**

- a. Safe Kids Proclamation presented to Shelly Hoyle Kite, Principal, Westwood Elementary School. Mayor Mick Wunder presented the Safe Kids Proclamation to Shelly Hoyle Kite.

### **PUBLIC HEARINGS**

- a. City Attorney, Catherine Logan, and City Engineer, Christina Cook, stated that the purpose of these public hearing was to square City boundaries and to eliminate areas where City property is an island surrounded by County property. The annexation would allow to better definition of City services for utilities and safety services (police and fire). Mayor Wunder opened the **Public Hearing** on annexation of land to the City of Junction City, generally located North of I-70 and West of Gunner Road. City services will be taken to the property line and attached to the homeowner's property. The gravel road at this location will remain a private drive and will not become a City road. Mayor Wunder closed the public hearing.
  1. The consideration and approval of **Ordinance S-3033** annexing land generally located North of I-70 and West of Gunner Road (**Westar Substation Tract**) to the City of Junction City (**First Reading**). Commissioner Rhodes moved, seconded by Commissioner Taylor to approve Ordinance S-3033 annexing land generally located North of I-70 and West of Gunner Road (Westar Substation Tract) to the City of Junction City (First Reading). Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- b. City Engineer, Christina Cook, stated that this land is completely surrounded on all four sides. Mayor Wunder opened the **Public Hearing** on annexation of land to the City of Junction City, generally located West of Spring Valley Road and North of Fox Sparrow Court. Mary Kay Munson, property owner, stated that it is not necessary to annex her property. The land is pasture with native grasses in a rural setting. There is very little possibility to develop the land. There aren't any issues with emergency services with the Reverse E-911 system which indicates where the call is coming from and which agency should respond. Her home is a single family residence and the only house which faces Spring Valley Road. Annexation would require new fencing due to City ordinances. Ms.

Munson currently utilizes functioning water and sewer systems and would incur major expenses with having to connect to the City services. Ms. Munson is concerned with increases in taxes if her land is annexed. Mayor Wunder closed the public hearing.

1. The consideration and approval of **Ordinance S-3034** annexing land generally located West of Spring Valley Road and North of Fox Sparrow Court (**Spring Valley Road/Munson Tract**) to the City of Junction City (**First Reading**). Commissioner Taylor stated that he agreed with Ms. Munson and that there are several other homes along Spring Valley Road that haven't been annexed. He doesn't see the need to annex this property. Commissioner Rhodes stated that he is concerned with pockets of land such as this one and dealing with emergency services. Commissioner Rhodes also does not want to begin with exceptions. City Engineer, Christina Cook, stated that sidewalks will be installed. The City is currently working with Ms. Munson on right-of-way issues and barbed wire fence. The front area fence is being reviewed to replace the barbed wire with other fencing material; the barbed wire fence on the remaining area of the property will be grandfathered and will not need to be replaced. City Attorney, Catherine Logan, stated current land uses are grandfathered when annexation occurs. Ms. Logan stated that the possible costs that could be incurred would be an increase in taxes and the cost of connection to City services when the current water/sewer system fails. The City must provide connection capabilities within five years of the annexation. The current drainage issues with Spring Valley Road will be addressed independently of the annexation. Ms. Munson's driveway will be grandfathered and not affected by the annexation. Ms. Cook stated that the street project will begin in approximately one year. The road is already in the City limits. Land will be acquired for right-of-way property to widen the road. Commissioner Heldstab stated that he sympathizes with Ms. Munson; however, he feels the project needs to be done. Commissioner Talley moved, seconded by Commissioner Rhodes to approve Ordinance S-3034 annexing land generally located West of Spring Valley Road and North of Fox Sparrow Court (Spring Valley Road/Munson Tract) to the City of Junction City (First Reading). Ayes: Heldstab, Rhodes, Talley, Wunder. Nays: Taylor. Motion carried four to one.

c. City Engineer, Christina Cook, stated that this property is surrounded on three sides. One side is up for annexation consideration. Mayor Wunder opened the **Public Hearing** on annexation of land to the City of Junction City, generally located West of Custer Road, North of 18th Street and South of Thompson Drive. Teresa McGuire-Davis, property owner, stated that she is concerned with the annexation mostly from a financial standpoint. She stated that she will pay approximately \$619 per year more in taxes plus additional costs to hook up to the City water and sewer and the monthly costs for those services. Ms. McGuire-Davis stated that she would have to install lines from the main to the house and it would cause a financial hardship. She is not opposed to having City services; she just wants the lines installed to the house. Ms. McGuire-Davis stated that she has experienced water drainage issues. She hopes that this can be worked out and prefers not to have her property annexed into the City. Mayor Wunder closed the public hearing.

1. The consideration and approval of **Ordinance S-3035** annexing land generally located West of Custer Road, North of 18th Street and South of Thompson (**Tract A/Davis/McGuire**) to the City of Junction City (**First Reading**). Commissioner Taylor stated that he is opposed to this annexation. He stated that it is callous of the

Commission not to consider the financial burden on owners when an annexation occurs. Commissioner Rhodes stated that the City needs control over properties that are islands. Some items can be grandfathered. He understands the concerns with costs and increases in taxes. Commissioner Rhodes stated that property owners are not required to hook up to City services at this time. They would need to select a sanitation service. The owner is responsible for the utility lines from the main to the house. Commissioner Rhodes moved, seconded by Commissioner Talley to approve Ordinance S-3035 annexing land generally located West of Custer Road, North of 18<sup>th</sup> Street and South of Thompson (Tract A/Davis/McGuire) to the City of Junction City (First Reading). Ayes: Heldstab, Rhodes, Talley. Nays: Taylor, Wunder. Motion carried three to two.

2. The consideration and approval of **Ordinance S-3036** annexing land generally located West of Custer Road, North of 18<sup>th</sup> Street and South of Thompson (**Tract B/Ehlers**) to the City of Junction City (**First Reading**). City Engineer, Christina Cook, stated that this land is adjacent to the McGuire/Davis land and is surrounded on three sides by City limits. Commissioner Taylor stated that he is opposed to this annexation due to the costs. Commissioner Heldstab stated that the Commission needed to be careful on setting precedence; the Commission took actions approximately a year ago to square up City boundaries and the Commission needs to be consistent. Commissioner Heldstab moved, seconded by Commissioner Talley to approve Ordinance S-3036 annexing land generally located West of Custer Road, North of 18<sup>th</sup> Street and South of Thompson (Tract B/Ehlers) to the City of Junction City (First Reading). Ayes: Heldstab, Rhodes, Talley. Nays: Taylor, Wunder. Motion carried three to two.

## **YOUTH COMMISSION COMMENTS**

Youth Commission Chair, Mitchell Brennan, stated that the Youth Commission had three new members to be sworn in. Mayor Wunder swore in the three new members: Jennifer Landes, LaShanda Carter, and Victoria Rodriguez. Mr. Brennan stated that the Youth Commission just finished their sponsorship of the Boys & Girls Club haunted house. They assisted with the walls and conduit for the haunted house. The Youth Commission is supporting the Shop with a Cop program in conjunction with the Police Department in December.

## **NEW BUSINESS**

- a. The consideration and approval of **Ordinance S-3043** requesting annexation by consent for property generally known as 0000 Elmdale Avenue (East of Elmdale Road; South of Hwy K-57; Werth) (**First Reading**). Commissioner Talley moved, seconded by Commissioner Heldstab to approve Ordinance S-3043 requesting annexation by consent for property generally known as 0000 Elmdale Avenue (East of Elmdale Road, South of Hwy K-57, Werth). Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- b. The consideration and approval of **Ordinance S-3044** requesting annexation by consent for property generally known as 2300 Elmdale Avenue (East of Elmdale Road; South of Hwy K-57; Pepsi) (**First Reading**). **REMOVED FROM AGENDA (property owner not present)**.

- c. The consideration and approval of **Ordinance S-3037** requesting the rezone from the current County Rural Residential (RR) District to City General Residential (RG) District for property known as 1820 Custer Road (Tract B/Ehlers) **(First Reading)**. Commissioner Heldstab moved, seconded by Commissioner Rhodes to approve Ordinance S-3037 requesting the rezone from the current County Rural Residential (RR) District to City General Residential (RG) District for property known as 1820 Custer Road (Tract B/Ehlers) (First Reading). Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- d. The consideration and approval of **Ordinance S-3038** requesting the rezone from County Light Industrial (IL) District to City Heavy Industrial (IH) District for property known as 2300 Elmdale Avenue (Pepsi) **(First Reading)**. **REMOVED FROM AGENDA.**
- e. The consideration and approval of **Ordinance S-3039** requesting the rezone from County Rural Residential (RR) District to City General Residential (RG) District for property known as 1846 Custer Road (Tract A/Davis/McGuire) **(First Reading)**. Commissioner Rhodes moved, seconded by Commissioner Talley to approve Ordinance S-3039 requesting the rezone from County Rural Residential (RR) District to City General Residential (RG) District for property known as 1846 Custer Road (Tract A/Davis/McGuire) (First Reading). Ayes: Heldstab, Rhodes, Talley, Wunder. Nays: Taylor. Motion carried four to one.
- f. The consideration and approval of **Ordinance S-3040** requesting the rezone from County Rural Residential (RR) District to City Service Commercial (CS) District for property known as 0000 Elmdale Avenue or Vacant Land, Section 35, TWP 11, RNG 5 (Werth) **(First Reading)**. Commissioner Heldstab moved, seconded by Commissioner Talley to approve Ordinance S-3040 requesting the rezone from County Rural Residential (RR) District to City Service Commercial (CS) District for property known as 0000 Elmdale Avenue or Vacant Land, Section 35, TWP 11, RNG 5 (Werth). Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- g. The consideration and approval of **Ordinance S-3041** requesting the rezone from County Agricultural (A) District to City Light Industrial (IL) District for property known as 0000 E. Ash Street – Section 13, TWP 12, RNG 5 (Westar Substation) **(First Reading)**. Commissioner Talley moved, seconded by Commissioner Rhodes to approve Ordinance S-3041 requesting the rezone from County Agricultural (A) District to City Light Industrial (IL) District for property known as 0000 E. Ash Street – Section 13, TWP 12, RNG 5 (Westar Substation) (First Reading). Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- h. The consideration and approval of **Change of Plans #1** by KDOT from Smoky Hill, LLC, on the East Chestnut Street Round-a-bout Project, in the amount of \$17,675.00. City Engineer, Christina Cook, stated that additional base rock and widening of roads were necessary due to heavy truck traffic on the detour area. KDOT provides matching funds up to a certain amount for the original project costs; KDOT does not provide for any change of plans. Ms. Cook stated that the work has been completed due to KDOT contract provisions in order keep the project on schedule and to keep traffic flowing in that area. Commissioner Rhodes stated that he feels if the detour had been designed correctly, these costs would have been included in the original costs. He doesn't feel the

City should be responsible for costs incurred due to design flaws. Ms. Cook stated that detours are temporary and not constructed as a permanent road would be. Ms. Cook stated that the detour was not designed properly for large trucks stopping and then turning. Mayor Wunder stated that this is a truck stop area and design engineers should have known and taken it into consideration when they designed the detour. Commissioner Heldstab moved, seconded by Commissioner Taylor to deny Change of Plans #1 by KDOT from Smoky Hill, LLC, on the East Chestnut Street Round-a-bout Project in the amount of \$17,675.00. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried. The City Commission requested the City Attorney research the contract and for City staff to research how this issue came about and what legalities are involved with the denial.

- i. The consideration and approval of **Notice of Award** to HWS Consulting Group for construction management and construction observation for Spring Valley Road – Fox Sparrow Court to Sutter Woods Road, in an amount not to exceed \$85,563.36. Commissioner Rhodes stated that it does not appear to be fair the way this was rated. City Engineer, Christina Cook, stated that HWS Consulting Group was the only company out of three to submit an answer to Item #10. Ms. Cook only participates in the process when there is a tie. Commissioner Heldstab asked to remove Item #10 and then recalculate the scores and then bring the information back to the November 18, 2008 Commission meeting. Commissioner Heldstab moved, seconded by Commissioner Taylor to table this item until the November 18, 2008 Commission meeting. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- j. The consideration and approval of **Replacement of Six (6) Patrol Vehicles and Radar Units** at the Police Department. Police Chief, Bob Story, informed the Commission that in December 2008, will be five years since the City acquired the current Tahoe's. The Police Department has found creative ways to extend the tires and brake system. The suspension has held up much better than the suspension on a Crown Vic because it is a truck suspension. The Tahoe's would be ordered through GSA. Jim Clark Chevrolet did not bid because they could not beat the GSA price. The Tahoe's will be delivered to Jim Clark. The current Tahoe's will be sold; we are looking for a buyer for all six vehicles. The radar units are twelve years old. Commissioner Rhodes moved, seconded by Commissioner Heldstab to approve the replacement of six (6) patrol vehicles and radar units at the Police Department. Ayes: Heldstab, Rhodes, Talley, Wunder. Nays: Taylor. Motion carried four to one.

## GENERAL DISCUSSION

*(The Commission requests that comments be limited to a maximum of five minutes for each person).*

**Terry Fleming, 1112 N. Washington, Junction City, KS** stated that he is concerned with cars speeding on Washington Street and cars traveling on Washington Street without any lights. He is concerned that someone is going to get run over.

## COMMISSIONER COMMENTS

**Commissioner Taylor** congratulated the public on the voter turn out. Wished those who ran good luck and stated he was looking forward to the results.

**Commissioner Heldstab** congratulated the candidates and thanked the election workers. He also congratulated the Blue Jays on their win over Manhattan. Commissioner Heldstab stated that he attended an out of town game and several Junction City parents cleaned the visitor section and he was proud of them. Commissioner Heldstab thanked the Booster Club for all of their work.

**Commissioner Talley** asked the status of Jackson Street and why no work was being done while the weather is good. City Engineer, Christina Cook, stated that the project is almost completed; the trail and landscaping needs to be done and will be finished in the spring.

**Commissioner Rhodes** congratulated the candidates who are running for office. He stated that the Junction City game against Manhattan was a great game. District playoffs begin November 7<sup>th</sup> in Junction City. Commissioner Rhodes stated that he attended the Matthew West concert at the Opera House and it was great. The Historama was good as well; although not well attended.

**Mayor Wunder** stated that the City of Hopkinsville presented the City with a picture of an eagle soaring over the mountains with the Oakgrove and Hopkinsville coins imbedded in the bottom of the picture. The picture will be hung in the Commission room.

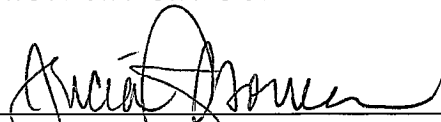
#### STAFF COMMENTS

**City Manager, Rod Barnes**, stated that the Commission will need to designate a representative for the OE Grant Steering Committee. Mr. Barnes thanked everyone who participated in the Halloween activities in the downtown area on October 30<sup>th</sup>. There were no incidents on Halloween and everyone had a good and safe night.

#### ADJOURNMENT

Commissioner Rhodes moved, seconded by Commissioner Heldstab to adjourn at 8:58 p.m. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion Carried.

APPROVED AND ACCEPTED THIS 18<sup>TH</sup> DAY OF NOVEMBER 2008 AS THE OFFICIAL COPY OF THE JUNCTION CITY CITY COMMISSION MINUTES FOR NOVEMBER 4, 2008.

  
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Tricia Gowen, City Clerk

  
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Mick Wunder, Mayor